United Nations A/HRC/RES/28/20

General Assembly

Distr.: General
8 April 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council

28/20. The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all its previous resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Condemning the grave deterioration of the human rights situation and the indiscriminate killing or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic and the report into the credibility of certain evidence with regard to torture and execution of persons incarcerated by the current Syrian regime regarding the allegations contained in the evidence presented by "Caesar" in January 2014, on the torture and execution of persons incarcerated by the Syrian regime,[1]

Welcoming the efforts of the Special Envoy of the Secretary-General for the Syrian Arab Republic, and expressing full support for the diplomatic efforts of the Special Envoy aimed at finding a political solution on the basis of the Geneva communiqué, including for the formation of a transitional governing body with full executive powers,

Recalling the statements made by the Commission of Inquiry and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, and noting the repeated encouragement by the Commission to the Security Council to refer the situation to the International Criminal Court,

Condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

[1] See S/2014/244, annex.

1. *Welcomes* the reports of the Independent International Commission of Inquiry on the Syrian Arab Republic, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of the future accountability efforts, in particular the information on alleged perpetrators violating international law;

2. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

3. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable;

4. *Requests* the Commission of Inquiry to provide an oral update during an interactive dialogue at the twenty-ninth session of the Human Rights Council and to present written updated reports during the interactive dialogues at the thirtieth and thirty-first sessions;

5. *Strongly deplores* the suffering and torture in prisons and detention facilities throughout the Syrian Arab Republic as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, demands that the Syrian authorities immediately release all persons arbitrarily detained and ensure that detention conditions are consistent with international law, and calls upon the Syrian authorities to publish a list of all prisons and detention facilities;

6. *Strongly condemns* practices including abductions, hostage-taking, incommunicado detention, torture, sexual violence, the brutal killing of civilians and summary executions carried out by regime forces and affiliated militias, non-State armed groups, as well as terrorist groups, most notably the so-called Islamic State in Iraq and the Levant (Daesh) and al-Nusra Front, and underlines that such acts may amount to crimes against humanity;

7. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000 and 2122 (2013) of 18 October 2013, and encourages the Special Envoy of the Secretary-General for the Syrian Arab Republic to conduct consultations with a broad range of actors, including women-led organizations;

8. *Strongly condemns* the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 200,000 fatalities, and in particular the continued widespread and systematic gross violations and abuses of human rights and violations of international humanitarian law, including those involving the continued use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, cluster munitions, barrel and vacuum bombs and chlorine gas, and the starvation of civilians as a method of combat by the Syrian authorities against the Syrian population;

9. *Also strongly condemns* the use of chemical weapons in the Syrian Arab Republic, which is prohibited under international law, and demands that the Syrian Arab Republic respect fully its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, the decision of the Executive Council of the Organization for the Prohibition of Chemical Weapons of 27 September 2013 and Security Council resolution 2118 (2013),

also of 27 September 2013, requiring it to declare its programme in full and to eliminate it in its entirety;

10. *Notes with grave concern* the recent findings of the fact-finding mission of the Organization for the Prohibition of Chemical Weapons and the Commission of Inquiry regarding the repeated use of chlorine gas as a chemical weapon in the Syrian Arab Republic, recognizes that such use of chlorine gas by the Syrian authorities constitutes a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable, as stressed by the Security Council in its resolution 2118 (2013) and expressed by the Executive Council of the Organization for the Prohibition of Chemical Weapons in its decision of 4 February 2015;

11. *Expresses grave concern* at the use of force by the Syrian authorities against civilians, which has caused immense human suffering and displacement, has fomented the spread of extremism and extremist groups and has demonstrated the failure of the Syrian authorities to protect the Syrian population and to implement the relevant resolutions and decisions of the United Nations bodies;

12. *Condemns in the strongest terms* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), its violent extremist ideology and its continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization;

13. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian regime, particularly militia groups such as Hizbullah, Asa'ib Ahl al-Haq and Liwa' Abu al-Fadl al-Abbas, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

14. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed against the civilian population, calls upon all groups in the Syrian Arab Republic to refrain from retaliation and violence and to take all necessary steps to protect civilians, including by demilitarizing medical facilities and schools, and urges all parties to the conflict to comply with their obligations under international humanitarian law and to respect human rights;

15. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, and calls upon all parties to fully respect international law;

16. *Notes with grave concern* the reporting of the Commission of Inquiry, including on the number and type of crimes committed, in which the Commission assessed that crimes against humanity and war crimes have been and continue to be committed in the territory of the Syrian Arab Republic;

17. *Recalls* that the International Criminal Court was established to help to end impunity for such crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

18. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

19. *Takes note* of the ongoing efforts by those journalists and human rights defenders who provide information about human rights violations and abuses inside the Syrian Arab Republic, despite the grave risks;

20. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

21. *Demands* that the Syrian authorities and all other parties to the conflict comply with their obligations under Security Council resolutions 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014 and 2191 (2014) of 17 December 2014 in order to enable the immediate and unhindered delivery of humanitarian assistance directly to people throughout the Syrian Arab Republic by United Nations agencies and their implementing partners;

22. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic and urges the international community, including all donors, to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

23. *Welcomes* the offer from Kuwait to host the third International Humanitarian Pledging Conference for Syria on 31 March 2015, expresses its appreciation to donor States, and calls upon all members of the international community to respond expeditiously to the Syrian humanitarian appeals and to fulfil all previous pledges;

24. *Reiterates* that a genuine political transition based on the Geneva communiqué is needed to end the conflict in the Syrian Arab Republic, and encourages the international community to take appropriate steps to that end;

25. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, recommends that the Commission brief the General Assembly during its sixty-ninth session, also recommends that the Assembly submit the reports to the Security Council for appropriate action, expresses its appreciation to the Commission for its briefings to members of the Council, and recommends the continuation of future briefings;

26. *Also decides* to remain seized of the matter.

57th meeting
27 March 2015

[Adopted by a recorded vote of 29 to 6, with 12 abstentions. The voting was as follows:

In favour:

Albania, Argentina, Botswana, Côte d'Ivoire, El Salvador, Estonia, France, Gabon, Germany, Ghana, Indonesia, Ireland, Japan, Latvia, Maldives, Mexico, Montenegro, Morocco, Netherlands, Paraguay, Portugal, Qatar, Republic of Korea, Saudi Arabia, Sierra Leone, the former Yugoslav Republic of Macedonia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Algeria, Bolivia (Plurinational State of), China, Cuba, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Brazil, Congo, Ethiopia, India, Kazakhstan, Kenya, Namibia, Nigeria, Pakistan, South Africa, Viet Nam]